

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 1-15 were pending. By this Amendment, claims 1 and 2 have been amended. No new matter has been added. Accordingly, claims 1-15 are pending.

#### **Rejection of claims 1 and 6-15 under 35 USC § 103(a) as being obviousness over Draenert in combination with Greco et al.**

In response, applicants have amended independent claim 1 which now uses the phrase “consisting essentially of,” rather than “comprising.” Claims 6-15 either directly or indirectly depend on claim 1. Applicants believe that the combined references do not render the claimed invention obvious because Draenert teaches porous coatings of calcium phosphate or similar materials on implants, wherein the pores are to be filled with binding agents. [See column 6, lines 54-56 (“\*\*\* the inventive anchorage component\*\*\* comprises a considerable amount of a binding agent.”)]. This means that for Draenert’s invention, it is essential that the pores are to be filled with binding agents. In contrast, in the claimed invention, claim 1 does not require that the pores be filled with binding agents. Applicants have also amended claim 1 so that the phrase “consisting essentially of,” excludes the possibility of other elements which would materially change the invention. Furthermore, there is no teaching in Draenert that by removing the binding

agent, the invention would still work. Thus, the combined references fail to teach or suggest every element of the claimed invention, and therefore, the claimed invention is not rendered obvious by the combined references. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

**Rejection of claims 2-5 under 35 USC § 103(a) as being obviousness over Draenert in combination with Greco et al.**

In response, applicants have amended independent claim 1 which now uses the phrase “consisting essentially of,” rather than “comprising.” Claims 2-5 either directly or indirectly depend on claim 1. Applicants believe that the combined references do not render the claimed invention obvious for the reasons discussed above. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

### **CONCLUSION**

Based on the foregoing remarks it is believed that the claim is in condition for allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

### **CONDITIONAL PETITION FOR EXTENSION OF TIME**

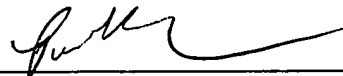
If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

### **ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By



Paul Lim  
Attorney for Applicant(s)  
Reg. No. 55,383  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844